

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Vonnie Darin Darby,)
)
Plaintiff,)
)
)
vs.)
)
Don Redmann, Warden,)
Jennifer Peoppel, CCW,)
Tim Schuetzle, Warden,)
)
Defendants.)
)

ORDER

Case No. 3:09-cv-013

The plaintiff, Vonnie Darin Darby (Darby), initiated the above-entitled § 1983 action *pro se* on February 3, 2009. He contemporaneously filed with the court a motion requesting court-appointed counsel, which the court denied in an order dated March 30, 2010. He appealed the court's decision to the Eighth Circuit in April 2009. The Eighth Circuit rejected his appeal and summarily affirmed the court's decision on January 12, 2009. Its mandate was issued on February 5, 2010. Meanwhile, on May 6, 2009, Defendants filed a Motion to Dismiss, to which Darby has yet to respond.

Recognizing there may have been some confusion on Darby's part as to when his response was due, the court, in an order dated February 17, 2010, extended his deadline for filing a response to the Defendants' motion until March 5, 2010. The court has been advised there was a delay in providing Darby with a copy of its order. Thus, to ensure Darby has sufficient time to file a response, the court shall extend the deadline for filing a response to the Defendants' motion until March 19, 2010.

IT IS SO ORDERED.

Dated this 3rd day of March, 2010.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge